

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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YVETTE BROWN,

Case No.: 7:16-cv-09118

Plaintiff,

-against-

DR. BENJAMIN KUR, DDS AND WESTCHESTER  
ORAL & MAXILLOFACIAL ASSOCIATES, PLLC,

Defendants,  
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**DECLARATION OF KRYSTIANA SEMBOS**

Krystiana Sembos, pursuant to the provisions of 28 U.S.C. §1746, declares, under the penalty of perjury, as follows:

1. I am an employee of Westchester Oral & Maxillofacial Associates, PLLC ("Westchester Oral"). I was present at Westchester Oral on May 24, 2016, the day Yvette Brown ("Ms. Brown or "Plaintiff") underwent a surgical procedure for a tooth extraction at Westchester Oral.
2. When Ms. Brown entered the office on May 24, 2016, I was seated at the front desk in the waiting area. I was responsible for checking in Ms. Brown, including processing payment and presenting her with the surgical consent forms.
3. After payment was processed and she had an opportunity to review the surgical consent form, Ms. Brown was taken back to the procedure rooms by Joyce Chi.
4. The next I saw Ms. Brown was after her procedure was completed and she was being led out of the waiting room by her escort. At this time Ms. Brown was noticeably groggy and still "out of it" from her surgical procedure. Ms. Brown was having difficulties

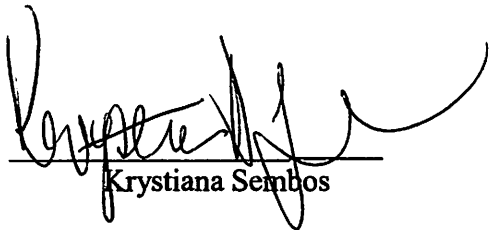
walking steadily and needed the help of her escort. Ms. Brown also had difficulties speaking and slurred her speech and was incoherent in her conversations with her escort.

5. At the time Ms. Brown left Westchester Oral the waiting room was empty. There were no other patients present as it was a quiet morning.
6. As Ms. Brown was leaving with her escort, I noticed that they were carrying the bag containing post-op supplies and instructions, which is given to all surgical patients following their procedures.
7. Based on my experience as an employee for Westchester Oral, it was not uncommon for Ms. Brown to leave after her procedure without a follow-up appointment being made. It is Westchester Oral's custom and practice not to immediately schedule a follow-up appointment for patients who have undergone a procedure such as Ms Brown's. A follow-up appointment is only scheduled if complications arise following the procedure and the patient calls in.
8. As an employee responsible for the processing of patients payment for Westchester Oral, I can competently represent that Westchester Oral does not accept Medicaid or Medicare as a form of payment for procedures completed at Westchester Oral.



I, ~~Dr.~~ Krystiana Sembos, declare under the penalties of perjury that the foregoing is true and correct

Dated: Hawthorne, New York  
December 16, 2016

  
Krystiana Sembos